

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of PATRICIA BRUNSON and U.S. POSTAL SERVICE,
AIRPORT MAIL CENTER, New York, NY

*Docket No. 01-619; Submitted on the Record;
Issued December 13, 2001*

DECISION and ORDER

Before BRADLEY T. KNOTT, A. PETER KANJORSKI,
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained a wrist or hand injury causally related to her federal employment.

On June 14, 2000 appellant filed an occupational disease claim alleging that she sustained wrist and hand symptoms causally related to her federal employment. By decision dated September 16, 2000, the Office of Workers' Compensation Programs denied the claim.

The Board finds that appellant has not met her burden of proof to establish an injury causally related to her federal employment.

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.¹ The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete and accurate factual and medical background, showing a causal relationship between the claimed conditions and her federal employment.² Neither the fact that the condition became manifest during a period of federal employment, nor the belief of appellant

¹ Victor J. Woodhams, 41 ECAB 345 (1989).

² See Walter D. Morehead, 31 ECAB 188 (1979).

that the condition was caused or aggravated by her federal employment, is sufficient to establish causal relation.³

In this case, appellant submitted a report dated June 20, 2000 from Dr. Sang Y. Lee, a specialist in physical medicine and rehabilitation, who diagnosed right de Quervain's syndrome. He stated that appellant reported "working for the [employing establishment] for many years, which requires the repetitive use of her wrists." Dr. Lee stated that appellant was unable to work due to right wrist pain and opined that "the following injury is due to the repetitive use of her wrists at work."

This report is of diminished probative value because it does not provide a complete factual and medical background nor does it provide medical reasoning on the issue of causal relationship. Dr. Lee did not discuss the nature of the repetitive wrist activities. Appellant indicated to the Office that since 1997 she had worked as a jitney driver hauling containers to their proper destination. From 1980 to 1997 she worked as a sack sorter keyer pulling sacks, keying codes and placing the sacks on a conveyor belt.

It is not clear whether Dr. Lee was familiar with the specific job duties and their duration. Moreover, he does not explain how the diagnosed condition was caused by the specific work activities. In a letter dated August 5, 2000, the Office requested that Dr. Lee submit a more detailed medical report but the record does not contain a reasoned medical opinion based on a complete background.

In a report dated August 2, 2000, Dr. Elie Sarkis, an orthopedic surgeon, provided results on examination and diagnosed tendinitis/de Quervain's tenosynovitis. Dr. Sarkis provided a brief history that appellant sustained an injury on June 13, 2000 while "working on a sorter machine." It is not clear whether appellant filed a separate traumatic injury claim based on this incident, in any case she did not provide a description of a June 13, 2000 employment incident with respect to this occupational claim.⁴ Dr. Sarkis opined that "the above occurrence is a competent producing cause of the injuries and disability sustained," without providing further explanation.

It is appellant's burden of proof to submit sufficient factual and medical evidence to establish her claim. In this case, appellant has not submitted a medical report that contains a reasoned medical opinion, based on an accurate and complete background, that her de Quervain's disease or other diagnosed condition was causally related to her federal employment. Accordingly, the Board finds that she has not met her burden of proof in this case.⁵

³ *Manuel Garcia*, 37 ECAB 767 (1986).

⁴ Appellant's own statements regarding her work history indicated that she had not worked as a sorter since 1997; she did not refer to a June 13, 2000 employment incident.

⁵ The Board notes that appellant submitted additional evidence on appeal. The jurisdiction of the Board is limited to evidence that was before the Office at the time of its decision and, therefore, the Board cannot consider new evidence on this appeal. 20 C.F.R. § 501.2(c).

The September 16, 2000 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
December 13, 2001

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member

Priscilla Anne Schwab
Alternate Member